Series 3372

DISTRICT COURT (THIRD DISTRICT : SALT LAKE COUNTY) [1688]

PROBATE RECORD BOOKS, 1852-1966

461 microfilm reels

DESCRIPTION: These probate record books document the proceedings in estate and guardianship cases in Salt Lake County. After 1917, adoption cases are also included. Personal name change cases appear infrequently. Corporate dissolution records occur intermittently around the turn of the century.

In 1852, the territorial legislature defined the powers of the county probate courts. Among those powers were the probate of wills, the administration of estates of deceased persons, and the guardianship of minors, idiots, and the insane. The probate records were to be kept in books separate from those of the other business of the court. The probate judge appointed a clerk to keep the records, but they were equally valid if kept by the judge. (An Act in Relation to the Judiciary, in Acts, Resolutions, and Memorials passed by the First Annual, and Special Sessions, of the Legislative Assembly...Great Salt Lake City, 1852, Brigham H. Young, Printer., pp. 38-48).

When Utah gained statehood in 1896, the county probate courts were abolished. Jurisdiction of Salt Lake County probate matters and custody of the Salt Lake County Probate Court's related records passed to the Probate Division of the Third District Court in and for Salt Lake County. Entries continued to be made in the same volumes.

In 1917, an extensive probate code was compiled as part of The Compiled Laws of Utah(Salt Lake City, 1919, Harden Bennion, vol. 2, Title 118, pp.1493-1545). The clerk was given powers equal to the judge to conduct routine matters: approve bonds, appoint appraisers, order sales, etc. The general procedures remained much the same, but the form and details were spelled out.

Estates of Deceased Persons

The books record the probate process in individual cases where the deceased died in or owned property in Salt Lake County. Basic procedures covered are the unsealing and admitting of the will, if any; testimony of the witnesses to the will to prove its validity; the appointment of administrators upon the filing of bonds; notice to creditors; appointment of appraisers and the filing of their report; petitions and orders to sell property; proof of settlement and petition for distribution; and the release of the administrators from further responsibility or liability.

Many of these procedures are formalities: recording petition; setting times; hearing petitions; and issuing orders, confirmations, and decrees for each stage. Copies of these forms are contained in the books, but while providing information on the nature of court proceedings, provide little on the nature of the estate. However, several types of records included also provide extensive information about the estate, the deceased, and the heirs.

The will is normally entered in the record in totoand usually details both property and heirs. Appraisers, if appointed, give a complete list of real estate, security holdings, and frequently household and personal property. Executors named in a will may also provide an inventory and appraisal of property in the case of a large or complicated estate; this was mandated after the probate code of 1917. Petitions to sell property will give the legal description of the real estate, securities, or other items in question. If a will is contested in any part, the testimony of the contestants is recorded. The final distribution is also recorded in detail in terms of both property and heirs. Thus the probate records provide useful information both for researchers seeking socioeconomic data on households and those seeking biographical or family history data. Among the notable estates probated is that of Brigham Young which covers the first half of volume H.

Guardianship of Estates

The records cover guardianship cases as well. Most frequently these come following the settlement of an estate in which a minor is inheriting property. A parallel procedure is followed for incompetent persons who had property requiring oversight. The court appoints a guardian, usually under terms of the will or upon petition of the minor or an older family member. The guardian is required to post bond prior to receiving official letters of guardianship. Periodic accountings may be made. Additional entries may appear during the time of guardianship if the guardian wishes to sell property or utilize particular funds held in trust. When the minor becomes of age, an accounting is made of the estate and property being inherited, and the guardian is released.

On occasion, the guardianship is a limited one, created so that the guardian may sue for personal injury or liability damages on behalf of a minor.

Adoptions

Adoption cases are included after 1917; previously the cases were kept in separate

ADOPTION RECORD BOOKS. Entries for a typical case include signed statements of the natural parents, the adoptive parents, the child if of sufficient age, and the witnesses. The statements may record some family particulars including date of birth of child, legitimacy, abandonment if that is the case, death of one of the parents, or other factors in the adoption. The judge's decree of adoption is also recorded, noting the child's new name, which might be a change of given name as well as surname. After the 1940s, when social service agencies became the predominant mediators of adoptions, statements are no longer included in the court's records. Information generally becomes less detailed. A brief summary is made based on the judge's review of the service agency's reports, and an order of adoption in light of the facts is made.

Other Records

Around the turn of the century, corporate dissolution records appear intermittently in the books, with the company as the deceased. Corporate dissolution was part of the district court's regular function, but is more frequently covered in the civil and criminal case division of the district court. Voluntary dissolution called for evidence of stockholder approval and published notice before the judge issued a decree to dissolve the company and distribute property.

Name changes occur periodically throughout the record books as orders for change of name. The former name and the desired new name are recorded, at times along with the rationale for the change.

ARRANGEMENT: The arrangement of the volumes and their entries changed numerous times through the years producing an extremely irregular and discontinuous pattern. Volumes are alphanumerical and their entries are roughly chronological, but cases may be continued out of sequence.

By 1884, guardianship records have begun to be kept in separate volumes. From 1891-1918, there were separate volumes for guardianships, intestate forms, and will forms. Cases continued from the main record books were recorded in volumes labeled 'Continuations'. Between 1918 and 1920 entries were made by case number." After 1942, wills are kept in separate volumes. By 1946, adoptions also are kept in separate volumes. For further details, see the sections entitled "Finding Aids" and "Searching Strategies."

RESEARCH NOTE: The ESTATE REGISTERS, begun in 1876 provide the most efficient mechanism for locating cases recorded in this series after that date. Look up the desired name in the PROBATE RECORDS INDEX, then find the case on the cited page in the cited volume. The entries in the ESTATE REGISTERS may then cite the page(s) and volume(s) in the RECORD BOOKS for the particular case. The registers also give the case number, useful for the period from 1920 to 1929 when case number was the primary arrangement of records. Otherwise the registers give the dates of particular actions, useful for the period in which records are kept by date filed. Filing date is usually close to the date of action if not identical.

The pattern for recording entries and even for identifying volumes changed repeatedly over the years. Volumes were initially labeled alphabetically. After going through the alphabet once, volumes were labeled A-1 through Z-1, then A-2 through Z-2, and finally A-3 through Z-3. There are discrepancies. There are two F-2s, one constituting a continuation of F, the other as part of the third time through the alphabet. R-2 chronologically falls where there should be an R-1; there is no R-1. Volumes E-3 through V-3 and X-3 through Z-3 do not exist or were never transferred to the archives.

After going through the alphabet four times, the court switched to numbering the volumes. There is a volume 18A and an 18B, two volumes 68 1/2, one volume 69 1/2, one volume 123 1/2. After reaching volume 178, the court started over with number 1. Where spines are missing, the volume microfilmed may be unidentified or misidentified on the leader.

The greatest confusion is created primarily in the early years, into the early part of the twentieth century. A single case may span many years, and when the space allotted by the clerk ran out, the case entries were continued on later or earlier pages in the same or different volumes. In the container list, these are identified as "continuations". They usually are noted as going to, or being from, a particular volume and page ("folio"). Notations in the continuation volumes or in the ESTATE REGISTERS series may not be clear as to which alphabetic or numeric sequence is being referred. At times the citation refers to entries in the ESTATES REGISTERS rather than to entries in the record books.

In estate matters, the initial entry is usually within a few months of death; however if the family was unaware of their legal responsibilities, they might not file for perhaps ten years. Adoptions, guardianships, and dissolutions are usually entered near the time of initial action. Often, if any section describing the desired case can be located, the records may be traced both forward and back through the volumes.

From 1884 until about 1918, guardianship cases were kept in separate volumes. From about 1891 to about 1918, initial procedural entries in guardianship cases, probate of will cases, and intestate cases, were kept in separate volumes of preprinted forms. For example, the forms for intestate cases contain formats for: order fixing time for hearing petition for letters of administration, order appointing administrator, bond of administrator, letters of administration, order of publication of notice to creditors, order appointing appraisers, and decree showing that due and legal notice to creditors has been given. During this period, the other handwritten volumes contain details and continuations of cases recorded on the forms.

About 1918, with the introduction of typewritten records, the separation of continuations from other volumes and the separation of different types of records were abandoned, and the pattern returns to the original mix. Adoptions are also added to estate and guardianship cases at this time. After this date, continuations are less frequent, but they are also less well documented.

From 1920 to mid-1929, cases were entered by a case number. If this number is known, the records may be easily located. The case number may be found in the PROBATE RECORDS

INDEX. By mid-1929, this organization by case is dropped. Two groups of volumes briefly overlap in time period. Entries usually are made by date filed, but these were loose-leaf volumes and were not put together consistently. Cases are split into multiple entries, but continuations are not noted.

After 1942, wills are separated into different volumes. Wills could be sealed and deposited with the county clerk to preserve them until the individual's death unless he or she retrieved the will earlier. Adoptions are separated into different volumes beginning in 1946, apparently in response to a 1941 law restricting access to adoption records rather than having adoptions take place in open court. The technology of the entries changes as well; these are now photocopies of original documents filed. Entries are by date filed for each particular action with no attempt to note connections with other actions in the case.

RELATED RECORDS: ESTATE REGISTERS, Series 3927, serve as a docket for these records, briefly recording the dates of actions and citing related volumes; as such, they make a useful finding aid. The PROBATE RECORDS INDEX, Series 17611, indexes the ESTATE REGISTERS which in turn can be used to find entries in these record books. The Court also kept original probate documents filed, correspondence, etc. in PROBATE CASE FILES, Series 1621. ADOPTION RECORD BOOKS were a separate series (series 3932) until 1917.

ACCESS RESTRICTIONS: Public with two exceptions: 1) adoption records which become public after 100 years but until then require the permission of the agency (Third District Court), and 2) unprobated wills, i.e. those of living persons, which are available only to the author(s) of the will (cf. 75-2-901 of the Utah Code).

CUSTODY HISTORY: The probate record books were initially kept by the Salt Lake County Probate Court. The court was abolished in 1896 with statehood, and the Probate Division of the Third District Court in and for Salt Lake County assumed responsibility for the records.

PROCESSING NOTE: The volumes were scheduled to be microfilmed and destroyed in 1968. They were filmed in 1982, but the original territorial volumes were not discarded along with the others. Missing spines on the volumes sometimes resulted in unidentified or misidentified volumes on the film leader. Archival processing was completed by A.C. Cone 1989. Additional volumes were received from the Denver Public Library and located at the University of Utah in 1997. Some of these copies already existed on film; the additional ones from the University of Utah were filmed and returned to their special collections at Marriott Library in 1998.

GAPS IN THE SERIES: Volumes G-3 through V-3, X-3 through Z-3, 1 through 4, 32, 36, 61, and 67 all from the early 20th century have not been located.

CONTAINER LIST

Reel	Box	Description
1	1	Vol. A-F; INDEX; Vol. A; Jul 2, 1852-Sep 11, 1865
2	1	Vol. B; Continuations (1852+)
3	1	Vol. C; Jan 24, 1866-Jan 18, 1871
4	2	Vol. D; Jan 16, 1871-Nov 25, 1873
461	2	Vol. E; Dec 9, 1873-May 25, 1875; p. 1-93
5	2	Vol. E; Dec 9, 1873-May 25, 1875 p. 93-696
5	3	Vol. E, Dec 9, 1875-May 23, 1875 p. 95-696 Vol. F; Jun 1, 1875-Nov 17, 1876; Vol. F-2;
3	3	Continuations (1877+); p. 1-282
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6	4	Vol. G; Dec 22, 1876-Jun 17, 1878; Vol. H; Sep 4, 1877-Dec 27, 1880; p. 1-272
7	4	Vol. H; Sep 4, 1877-Dec 27, 1880 p. 272-864
7	5	Vol. I; Jul 13, 1879-Mar 8, 1880; Vol. J; Jan 7,
,	3	1881-Oct 31, 1881; p. 1-98
8	5	Vol. J; Jan 7, 1881-Oct 31, 1881 p. 98-696
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0	O	Vol. K; Nov 30, 1881-Oct 16, 1882; Vol. L; Oct 21,
0	6	1882-Jul 3, 1883; p. 1-162
9	6	Vol. L; Oct 21, 1882-Jul 3, 1883 p. 162-720
9	7	Vol. M; Feb 28, 1883-Dec 8, 1883
9	8	Vol. N; Dec 14, 1883-Jun 26, 1884; p.1-172
10	8	Vol. N; Dec 14, 1883-Jun 26, 1884 p. 172-432
10	9	Vol. O; Jul 2, 1884-Nov 10, 1884
10	10	Vol. P; Dec 6, 1884-Jun 29, 1885
10	11	Vol. Q; Guardianships: Dec 4, 1884-Nov 1, 1886; p.
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11	11	Vol. Q; Guardianships: Dec 4, 1884-Nov 1, 1886 p. 182-480
11	12	Vol. R; Jul 2, 1885-Feb 12, 1886
11	13	Vol. S; Jan 23, 1886-Sep 24, 1886
11	14	Vol. T; Oct 4, 1886-Apr 22, 1887; p. 1-52
12	14	Vol. T; Oct 4, 1886-Apr 22, 1887 p. 52-492
12	15	Vol. U; Guardianships: Jan 27, 1887-Mar 18, 1889
12	16	Vol. V; Apr 23, 1887-Nov 7, 1887; p. 1-432
13	16	Vol. V, Apr 23, 1887-Nov 7, 1887 p. 432-500
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	17	Vol. W; Nov 10, 1887-Mar 31, 1888
13	18	Vol. X; Mar 31, 1888-Oct 6, 1888
13	19	Vol. Y; Oct 8, 1888-Feb 23, 1889; p. 1-272
14	19	Vol. Y; Oct 8, 1888-Feb 23, 1889 p. 272-496
14	20	Vol. Z; Mar 6, 1889-Sep 3, 1889
14	21	Vol. A-1; Guardianships: Apr 27, 1889-May 12,
1.4	22	1890
14	22	Vol. B-1; Sep 4, 1889-Dec 28, 1889; p. 1-132
15	22	Vol. B-1; Sep 4, 1889-Dec 28, 1889 p. 132-480
15	23	Vol. C-1; Dec 28, 1889-Mar 13, 1890
15	24	Vol. D-1; Guardianships: May 17, 1890-Dec 3, 1891

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16	26	Vol. F-1; Jun 7, 1890-Oct 1, 1890
16	27	Vol. G-1; Oct 8, 1890-Dec 23, 1890; p. 1-412
17	27	Vol. G-1; Oct 8, 1890-Dec 23, 1890 p. 412-480
17	28	Vol. H-1; Dec 8, 1890-Apr 15, 1891
17	29	Vol. I-1; Feb 11, 1891-Jun 2, 1891
17	30	Vol. J-1; Intestate Forms: Apr 3, 1891-Mar 6,1894;
		p. 1-322
18	30	Vol. J-1; Intestate Forms: Apr 3, 1891-Mar 6,1894
		p. 322-458
18	31	Vol. K-1; Will Forms: May 26, 1891-Jul 7, 1896
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19	34	Vol. N-1; Continuations (1892+)
19	35	Vol. O-1; Continuations (1892+)
19	36	Vol. P-1; Continuations (1892+); p.1-222
20	36	Vol. P-1; Continuations (1892+) p.222-480
20	37	Vol. Q-1; Guardianship Forms: Jun 3, 1893-Mar 30,
		1898
21	38	Vol. R-2[sic]; Continuations (1893+)
22	39	Vol. S-1; Intestate Forms: Mar 8, 1894-Sep 28, 1896
22	40	Vol.T-1; Continuations (1893+); p.1-112
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23	41	Vol. U-1; Continuations (1894+)
23	42	Vol. V-1; Continuations (1895+); p. 1-242
24	42	Vol. V-1; Continuations (1895+) p.242-596
24	43	Vol. W-1; Continuations: Guardianships (1896+)
24	44	Vol. X-1; Continuations (1896+); p. 1-402
25	44	Vol. X-1; Continuations (1896+) p. 402-600
25	45	Vol. Y-1; Will Forms: Aug 31, 1896-Jul 13, 1898
25	46	Vol. Z-1; Intestate Forms: Sep 30, 1896-May 28,
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25	47	Vol. A-2; Continuations (1897+); p.1-544
26	47	Vol. A-2; Continuations (1897+) p.544-598
26	48	Vol. B-2; Continuations (1897+)
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27	50	Vol. D-2; Continuations (1898+) p. 72-600
27	51	Vol. E-2; Guardianship Forms: Mar 30, 1898-Nov
		18, 1904
27	52	Vol. F-2; Will Forms: Jun 20, 1898-Apr 4, 1903;
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28	52	Vol. F-2; Will Forms: Jun 20, 1898-Apr 4, 1903 p.
		222-600
28	NONE	Vol. G-2; Intestate Forms: May 31, 1898-Dec 10,
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28	53	Vol. H-2; Continuations (1899+); p. 1-372
29	53	Vol. H-2; Continuations (1899+) p.372-600
29	NONE	Vol. I-2; Continuations (1899+)
29	54	Vol. J-2; Continuations (1900+); p.1-498
30	54	Vol. J-2; Continuations (1900+) p. 498-600
30	55	Vol. K-2; Intestate Forms: Dec 11, 1900-Jan 19,
		1903
30	56	Vol. L-2; Continuations (1900+)
30	57	Vol. M-2; Continuations (1900+); p.1-22
31	57	Vol. M-2; Continuations (1900+) p.22-600
31	NONE	Vol. N-2; Continuations (1901+); Vol. O-2;
		Continuations (1901+); p. 1-142
32	NONE	Vol. O-2; Continuations (1901+) p. 142-592
32	59	Vol. P-2; Continuations (1901+)
32	NONE	Vol. Q-2; Continuations (1902+); p.1-262
33	NONE	Vol. Q-2; Continuations (1902+) p.262-600
21	38	Vol. R-2; cf. R-1 (Continuations 1893+)
34	NONE	Vol. S-2; Continuations (1902+); p.1-350
35	NONE	Vol. S-2; Continuations (1902+) p.350-601
35	U of U	Vol. T-2; Intestate Forms: Dec 17, 1902-Dec 21,
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35	NONE	Vol. U-2; Continuations (1903+); p.1-502
36	NONE	Vol. U-2; Continuations (1903+) p.502-598
36	U of U	Vol. V-2; Will Forms: Apr 14, 1903-Oct 23, 1906
36	58	Vol. W-2; Continuations: Guardianships (1900+)
36	60	Vol. X-2; Continuations (1903+); p. 1-62
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37	61	Vol. Y-2; Continuations (1903+)
37	U of U	Vol. Z-2; Guardianship Forms: Jan 4, 1905-Jan 15,
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38	U of U	Vol. Z-2; Guardianship Forms: Jan 4, 1905-Jan 15,
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39	NONE	Vol. A-3; Continuations: Guardianships (1903+)
40	NONE	Vol. B-3; Continuations (1904+)
41	NONE	Vol. C-3; Continuations (1903+)
42	NONE	Vol. D-3; Continuations (1905+)
43	NONE	Vol. E-3; Continuations: Guardianships (1905+)
44	NONE	Vol. F-3; Intestate Forms: Dec 27, 1904-Aug 31,
45	NONE	1906 Vol. W-3; Continuations: Guardianships (1901+)
46	NONE	
40 47	NONE	Vol. 5; Continuations (1905+) Vol. 6; Intestate Forms: Aug 27, 1906-May 14, 1908
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46 49	NONE NONE	Vol. 7; Continuations (1906+) Vol. 8; Continuations (1906+)
50	NONE	Vol. 9; Continuations (1900+) Vol. 9; Continuations (1907+); p. 1-561
51	NONE	Vol. 9, Continuations (1907+), p. 1-301 Vol. 9; Continuations (1907+) p. 561-596
51	NONE	Vol. 10; Continuations (1907+); Vol. 11; Will
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		Forms: Jan 21, 1907-ca. Aug 1910
52	NONE	Vol. 12; Intestate Forms: May 21, 1908-Feb 18, 1910
53	NONE	Vol. 13; Continuations (1907+)
54	NONE	Vol. 14; Continuations (1908+); Vol. 15;
		Continuations: Guardianships (1907+)
55	NONE	Vol. 16; Continuations (ca. 1908+); Vol. 17;
		Continuations (1908+)
56	NONE	Vol. 18; Continuations (1908+)
57	NONE	Vol. 18A; Continuations: Guardianships (ca.
0,	1,01,2	1912+); Vol. 18B; Continuations (1906+)
58	NONE	Vol. 19; Continuations (1909+)
59	NONE	Vol. 20; Continuations: Guardianships (1909+)
60	NONE	Vol. 21; Continuations (1909+)
61	NONE	Vol. 22; Continuations (1909+)
62	NONE	Vol. 23; Intestate Forms: Feb 25, 1910-Oct 16,
		1911; Vol. 24; Will Forms: Aug 16, 1910-May 23,
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63	NONE	Vol. 25; Guardianship Forms: Feb 4, 1910-Mar 25,
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65	NONE	Vol. 29; Continuations (1910+)
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66	NONE	Vol. 33; Continuations: Guardianships (1911+)
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67	NONE	Vol. 35; Continuations (1912+)
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69	Vol. 39; Continu	uations: Guardianships (1913+)
70	Vol. 40; Continu	uations (1913+); Vol. 41;
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71	Vol. 42; Intestat	te Forms: Mar 31, 1913-Aug 10,
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72	Vol. 44; Guardi	anship Forms: Apr 2, 1915-Jun 13,
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73	Vol. 45; Continu	uations (1913+); Vol. 46;
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74	Vol. 47; Intestat	te Forms: Aug 17, 1914-Mar 13,
		Continuations (1914+)
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76		uations: Guardianships (1914+)
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82	Vol. 59; Continuations: Guardianships (1916+)
83	Vol. 60; Continuations (1916+)
84	Vol. 62; Continuations (1917+)
85	Vol. 63; Will Forms: Apr 30, 1917-Aug 16, 1919;
	Vol. 64; Continuations (1917+)
86	Vol. 65; Intestate Forms: Jul 3, 1917-Nov 9, 1918;
	Vol. 66; Continuations (1917+)
87	Vol. 68; Continuations (1917+); Vol. 68 1/2, v.1;
	Continuations (1923+); #128-8025
88	v.2; Continuations (1923+); #8040-11391; Vol. 69;
	Continuations (1918+); #2132-9072
89	Vol. 69 1/2; Continuations; Sect. A; Continuations
	(1926+); #575-11937; Sect. B; 1 May 1929-31 May
	1929; misc #; Sect. C; 1 May 1929-31 May 1929;
	misc #; Vol. 70; #9076-9231: Dec 24, 1917-May 22,
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90	Vol. 71; #9232-9357: Mar 13 1918-Jul 18, 1918;
	Vol. 72; #9358-9502: Jul 23, 1918-Nov 7, 1918
91	Vol. 73; #9503-9603: Nov 7, 1918-Dec 28, 1918;
71	Vol. 74; #9604-9712: Dec 28, 1918-Feb 17, 1919
92	Vol. 75; #9713-9828: Feb 17, 1919-Apr 9, 1919;
, <u>-</u>	Vol. 76; #9829-9944: Apr 9, 1919-Jun 13, 1919
93	Vol. 77; #9945-10057: Jun 16, 1919-Aug 23, 1919;
75	Vol. 78; #10058-10164: Aug 25, 1919-Nov 5, 1919
94	Vol. 79; #10165-10268: Nov 7, 1919-Jan 9, 1920;
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95	Vol. 81; #10363-10458: Feb 26, 1920-Apr 2, 1920;
75	Vol. 82; #10459-10560: Apr 5, 1920-May 27, 1920
96	Vol. 83; #10561-10664: May 28, 1920-Aug 4, 1920;
70	Vol. 84; #10665-10765: Aug 4, 1920-Oct 4, 1920
97	Vol. 85; #10766-10873: Oct 4, 1920-Dec 13, 1920;
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98	Vol. 87; #10970-11077: Feb 16, 1921-Apr 20, 1921
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99	Vol. 89; #11187-11278: Jun 25, 1921-Aug 30, 1921
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105	Vol. 96; #11851-11939: Aug 29, 1922-Nov 2, 1922

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107	Vol. 99; #12189-12314: Apr 24, 1923-Jul 21, 1923
108	Vol. 100; #12325-12448: Jul 31, 1923-Nov 8, 1923
109	Vol. 101; #12449-12570: Nov 8, 1923-Jan 19, 1924
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